



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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REGISTERED MAIL

October 26, 2005

Washington State Department of Transportation  
Northwest Region  
Attn: Ben Brown  
P.O. Box 3301310  
Seattle, WA 98133-9710

RE: First Amendment of Water Quality Certification Order # 2689 (Corps # 200401241)

Dear Mr. Brown:

Ecology received two requests from the Washington State Department of Transportation (WSDOT) on September 23, 2005 and on September 28, 2005 for clarification of the Water Quality Certification Order #2689 issued on September 15, 2005 for the SR 167, 15<sup>th</sup> ST. SW to 15<sup>th</sup> St. NW/S. 180<sup>th</sup> St. roadway improvement project. The first request was to change the type of seed mix needed for temporary erosion control (Condition E.5) and the second request was to clarify the meaning of when orange construction fencing should be placed around sensitive areas, including buffers (Condition E.6). We have reviewed these requests and determined that an amendment to the order is necessary. Enclosed is the amended Order # 2689.

**AL** other conditions of Water Quality Certification Order # 2689 remain in effect. Any questions can be directed to the attention of Rebecca Ponzio, Federal Permit Manager MAP Team at the Department of Ecology, Northwest Regional Office, 3190 - 160<sup>th</sup> - Avenue SE, Bellevue, WA 98008 or she can be reached at 425-649-7181. The enclosed amended Order may be appealed by following the procedures described in the amended Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Brenden McFarland".

Brenden McFarland  
Section Manager  
Environmental Review & Transportation Section



cc: Christina Martinez, WSDOT  
John Maas, WSDOT  
Nina Roscow, WSDOT  
Jack Kennedy, Corps of Engineers  
Jerry Shervey, Ecology

Jim Fraser, WDFW  
Pat Klavas, WDFW  
Kim Harper, Ecology  
Bob Penhale, Ecology  
Penny Keys, Ecology

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IN THE MATTER OF GRANTING	)	ORDER # 2689
A WATER QUALITY	)	1 <sup>st</sup> Amendment
CERTIFICATION TO	)	Corps # 200401241
Washington Department of Transportation	)	Construct a High Occupancy
SR 167, 15 <sup>th</sup> St. St. SW to 15 <sup>th</sup> St. NW/	)	Lane on SR 167 from NIP
S. 180 <sup>th</sup> St.	)	13.25 to MP 24.97, develop
	)	on-ramp bypass and off-ramp
	)	corrections, provide
	)	stormwater facilities, and a
	)	wetland mitigation site.

This amendment is issued under the provisions of Chapter 90.48 RCW and Chapter 173-201A WAC.

Administrative Order No. 2689 is hereby amended:

The amendment is as follows:

1. Condition that reads:
  - E.5. "The project shall be clearly marked/staked prior to construction. Clearing limits, travel corridors, and stockpile sites shall be clearly marked. Wetlands, streams, buffers, and other sensitive areas that are to be protected from disturbance shall be marked with orange construction fencing in order to be clearly visible to equipment operators. Equipment shall enter and operate only within the delineated clearing limits, corridors, and stockpiles areas."

Is replaced as follows:

- E.5. "Within the project limits, the Applicant shall mark all clearing limits that occur within 500 feet or less of sensitive aquatic areas, including buffers, with highly visible construction fence prior to beginning clearing or other construction activities in that area. Equipment shall enter and operate only within the delineated clearing zones, corridors, and stockpile areas."
2. Condition that reads:
    - E.6. "All temporarily disturbed areas, including wetlands, wetland buffers, and stream buffers, shall be protected from erosion using mulch or equivalent for the duration

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of the project and within seven days of the project completion. If erosion control seed mixes are used in these areas, they shall consist of native species unless otherwise approved by modification of this Order. All disturbed areas shall be replanted with native vegetation within the first appropriate planting season after construction is completed."

Is replaced as follows:

- E.6. "All temporarily disturbed areas, including wetlands, wetland buffers, and stream buffers, shall be protected from erosion using mulch or equivalent for the duration of the project and within seven days of the project completion. All disturbed areas shall be replanted with native vegetation within the first appropriate planting season after construction is completed."

No other conditions or requirements of the above-mentioned order are affected by this amendment. Failure to comply with the conditions of this amendment and Order # 2689 may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this amendment and Order # 2689.

**Appeal Process:**

You have the right to appeal this amended Order to the Pollution Control Hearings Board. Pursuant to chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within thirty (30) days of the date of your receipt of this document.

To appeal this amended Order, your notice of appeal must contain a copy of the Ecology Order you are appealing.

Your appeal must be filed with:

The Pollution Control Hearings Board  
4224 - 6th Avenue SE, Rowe Six, Bldg. 2  
P.O. Box 40903  
Lacey, Washington 98504-0903

Your appeal must also be served on:

The Department of Ecology  
Appeals Coordinator  
P.O. Box 47608  
Olympia, Washington 98504-7608.

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In addition, please send a copy of your appeal to:

Loree' Randall  
Department of Ecology  
P.O. Box 47600  
Olympia, Washington 98504-7600

*For additional information: Environmental Hearings Office Website:  
<http://www.eho.wa.gov>*

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

Dated Oct 26 2005 at Olympia, Washington



Brenden McFarland, Section Manager  
Environmental Review & Transportation Section  
Shorelands and Environmental Assistance Program